

REMARKS

Claims 1-26 are pending in the present application. In the Office Action mailed October 4, 2006, the Examiner rejected claim 8 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner next rejected claim 3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 21-25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-20 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by Eilenberg et al. (USP 5,414,358).

Claims 3 and 21-25 were objected to by the Examiner. The Examiner also rejected claims 3, 8, and 21-25 under 35 U.S.C. §112. Claims 3, 8, and 22-25 have been amended to further clarify that which is being called for therein. As amended, Applicant believes that the rejections under §112 for the above claims should be withdrawn, along with any objections thereto. Claim 21 has been canceled.

The Examiner also rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Eilenberg et al. While Applicant respectfully disagrees with the rejection, Applicant has nevertheless elected to amend claim 1 to further clarify that which is being called for therein. As amended, claim 1 calls for a probe for improved homogeneity in MR imaging having an RF coil, a collapsible housing enclosing the RF coil constructed for insertion into a subject, a homogeneity enhancing material disposable with the collapsible housing, and a retainer that secures the RF coil within the subject. Eilenberg et al. fails to teach, disclose, or suggest a probe that includes a retainer for securing the RF coil within the subject.

Eilenberg et al. discloses an MR coil 94 enclosed in a bag 10 into which fat saturation enhancing material is introduced to image inside body cavities. *Eilenberg et al.*, Col. 12, lns. 30-32. The bag 10 and MR coil 94 can be placed inside a body cavity and then filled with fat saturation material via tube 92 and syringe 93. *Eilenberg et al.*, Col. 12, lns. 39-43. There is no disclosure, however, of a retainer included in the probe that secures the MR coil 94 within the subject. Regarding the disclosure of such an element, the Examiner asserted that “Eilenberg (‘358) states that the bag constituting the flexible coil housing is filled to allow the entire unit to conform to the body shape, which would inherently secure the RF coil within the body cavity being imaged (col. 12 lines 2-5).” *Office Action*, October 4, 2006. Applicant respectfully disagrees. First, in citing the Eilenberg et al. reference for such a disclosure, the Examiner refers only to flexible coil 90 externally positioned on the subject. *See Eilenberg et al.*, Fig. 13.

Applicant does not necessarily disagree that flexible coil 90 conforms to the shape of the body portion of which it is applied to as the Examiner suggests; however, flexible coil 90 is an external coil and Eilenberg et al. does not teach or suggest that bag 10, when filled and inserted internally within a subject, would “inherently secure [MR coil 94] within the body cavity being imaged.” Referring to Fig. 2 of the present invention, retainer 80 is positioned externally from the subject to be imaged and provides a mechanism that secures the probe against migration after insertion and positioning of the RF coil within a subject. *Application*, ¶28. Such a retainer is clearly not taught, disclosed, or suggested in Eilenberg et al. and the mere filling of bag 10 therein with a fat saturation material does not, in and of itself, teach or suggest such a retainer. As such, Applicant believes that claim 1, and the claims dependent therefrom, are patentably distinct over Eilenberg et al.

The Examiner also rejected claim 11 under 102(b) over Eilenberg et al. Applicant has elected to amend claim 11 to further clarify what is called for therein. As amended, claim 11 calls for, in part, a MR imaging apparatus having at least one RF coil disposed within a housing that is constructed for insertion into a subject, a homogeneity enhancing fluid disposable within the housing to improve homogeneity during internal MR image acquisition, and an electronically controlled pump to inflate the housing with the homogeneity enhancing fluid. Eilenberg et al. fails to teach, disclose, or suggest an electronically controlled pump to inflate a housing with homogeneity enhancing fluid.

Nowhere in Eilenberg et al. is an electronic pump as is called for in claim 11 taught or suggested. The Examiner has provided no support for such a disclosure and the assertion to that effect is unsupportable. The only mechanism disclosed in Eilenberg et al. for adding fat saturation material to bag 10 is hypodermic syringe 93. *Eilenberg et al.*, Col. 12, Ins. 34-36. Such a disclosure clearly does not anticipate the electronically controlled pump that is called for in claim 11. As such, that which is called for in claim 11, and the claims dependent therefrom, is patentably distinct over Eilenberg et al.

The Examiner also rejected claim 20 under 102(b) over Eilenberg et al. Applicant has elected to amend claim 20 to incorporate the subject matter of claim 21. As amended, claim 20 calls for a method of using an MR imaging device with improved homogeneity including the steps of positioning an RF coil within a housing that is capable of being inserted within an imaging subject, attaching a pump to the housing to inflate the housing with a homogeneity enhancing material, and filling the housing with the homogeneity enhancing material. As stated above, Eilenberg et al. fails to teach, disclose, or suggest a pump for inflating the bag 10 disclosed therein with fat saturation material. The Examiner fails to even specifically address the

pump element set forth in the claims and appears to have merely made an arbitrary rejection of this element. Because Eilenberg et al. fails to teach, disclose, or suggest attaching a pump to the housing to inflate the housing with a homogeneity enhancing material, Applicant believes that claim 20, and the claims dependent therefrom, are patentably distinct over the cited reference.

The Examiner also rejected claim 26 under 102(b) over Eilenberg et al. Applicant has elected to amend claim 26 to further clarify what is called for therein. As amended, claim 26 calls for a kit for an MR imaging device with improved homogeneity including a flexible housing that contains an RF coil therein and configured to be inserted within an imaging subject, a supply of a homogeneity enhancing material to fill and expand the flexible housing after insertion into the imaging subject, and a retainer that secures the RF coil within the subject. As stated above, Eilenberg et al. fails to teach, disclose, or suggest a probe that includes a retainer for securing the RF coil within the subject. No externally positioned retainer is disclosed in Eilenberg et al. and the mere filling of bag 10 therein with a fat saturation material does not, in and of itself, teach or suggest such a retainer. As such, Applicant believes that claim 26 is patentably distinct over the cited reference.

In addition to the above amendments, claim 18 has been amended to properly reflect its chain of dependency. Claims 15-17 have been canceled.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-14 and 18-26.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Kevin R. Rosin/

Kevin R. Rosin
Registration No. 55,584
Phone 262-268-8100 ext. 15
krr@zpspatents.com

Dated: January 4, 2007
Attorney Docket No.: GEMS8081.159

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100